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VIA ECF AND E-MAIL

The Hon. Judge Cathy Seibel
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St., Courtroom: 621
White Plains, NY 10601-4150
chambersnysdseibel@nysd.uscourts.gov

Re: *Can't Stop Productions, Inc. v. Sixuvus, Ltd. et al.* 7:17-cv-06513-CS

Hon. Judge Seibel:

We represent the Sixuvus Defendants in the above referenced action. Pursuant to 1.E of Your Honor's Individual Practices, we write to respectfully request a short extension of the deadline to oppose Karen Willis' ("Proposed Intervenor") motion to intervene [ECF Dckt. No. 265] (the "Motion to Intervene"), and to file the Sixuvus Defendants' cross-motion to dismiss (the "Cross-Motion to Dismiss").

Pursuant to the Court's order during the February 6, 2020 status conference in this matter, the Court set a briefing schedule as follows: Proposed Intervenor's Motion to Intervene was due on or before March 27, 2020¹, the Sixuvus Defendants' opposition to the Motion to Intervene and their Cross-Motion to Dismiss is due on or before May 1, 2020, Proposed Intervenor's reply and opposition is due on or before May 29, 2020, and the Sixuvus Defendants' reply is due on June 17, 2020. *See* ECF Dckt. at 2/6/20.

We are respectfully requesting that the Sixuvus Defendants' deadline to file their opposition to the Motion to Intervene and Cross-Motion to Dismiss, be extended two (2) weeks to May 15, 2020.

The reason for this request is three-fold. *First*, as the Court is aware, a result of the COVID-19 pandemic and government directives, our offices have closed and we have transitioned our staff to working from home. Having staff working at home has impacted the time that it is taking to complete work and some work is taking longer. As a result, we need some additional time to finalize the Sixuvus Defendants' opposition to the Motion to Intervene and Cross-Motion to Dismiss. *Second*, as the Court may not be aware, without leave, Proposed Intervenor filed yet another amended pleading with her Motion to Intervene, which would be her fifth proposed complaint (the "Fifth Proposed Complaint") [ECF Dckt. No. 265-1]. In the Fifth Proposed Complaint, Proposed Intervenor has asserted new allegations, re-asserted causes of action that the Court already ruled could not proceed during the February 6, 2020 Conference and added an additional cause of action, which has significantly expanded the scope of issues that need to be addressed in both the opposition to the Motion to Intervene and Cross-Motion to Dismiss. *Third*, despite timely ordering the transcript from

¹ Proposed Intervenor filed her motion on March 28, 2020 at 3:23 am. The Sixuvus Defendants have not and are not currently objecting to the late filing.

the February 6, 2020 conference, and following up regularly thereafter, we have yet to receive a copy of the transcript from the Court Reporter. From our communications with the Court Reporter it appears that she has also been impacted by the pandemic, and that has delayed this process. We placed the order for the transcript on February 7, 2020. The Court Reporter was finally able to send us an invoice for the transcript on April 21, 2020, and we sent payment that same day. We have since followed up several times, and the Court Reporter has said we would have it soon, including one email that said she would send it yesterday, but we still have not received it. We understand that the pandemic has affected everyone, however as the reasons for the Court's dismissal of certain claims is relevant to our Cross-Motion to Dismiss, especially in light of the fact that Proposed Intervenor has re-asserted some of the claims the Court ruled could not proceed, it is important that we have the transcript prior to the submission of the opposition to the Motion to Intervene and Cross-Motion to Dismiss.

This extension will only affect the remaining dates in the briefing schedule, as set forth above. As such we request that they also be extended by two (2) weeks to account for the instant extension. Specifically, our request is that the remaining briefing schedule be as follows: the Sixuvus Defendants' opposition to the Motion to Intervene and their Cross-Motion to Dismiss be due on or before May 15, 2020, Proposed Intervenor's reply and opposition be due on or before June 12, 2020, and the Sixuvus Defendants' reply be due on July 1, 2020.

This is the first request to extend the Sixuvus Defendants' deadlines to submit their opposition to the Motion to Intervene and their Cross-Motion to Dismiss.

We have conferred with Proposed Intervenor concerning this request and she has indicated that she will oppose any request for an extension, without providing any reasons for the same.

In considering any opposition by Proposed Intervenor, we respectfully request that the Court take into consideration that Proposed Intervenor has late filed documents previously, which the Sixuvus Defendants have not objected to or opposed, including her Motion to Intervene and her fourth proposed complaint. For the reasons set forth above, the Sixuvus Defendants respectfully submit that the instant request for a short adjournment given certain events that are out of our control is warranted and should be granted.

We appreciate the Court's time and consideration, and should Your Honor need any further information or if the Court would like to discuss any of the above, we are available at the Court's convenience.

Respectfully Submitted,

ADELMAN MATZ P.C.



Sarah M. Matz, Esq.

Cc. (Via ECF and E-Mail)
All Counsel of Record
Karen Willis *Pro Se*